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**IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF MONTANA  
HELENA DIVISION**

THE STATE OF MONTANA, *ex rel.*,  
AUSTIN KNUDSEN, ATTORNEY  
GENERAL,

*Plaintiff,*

v.

ELI LILLY AND COMPANY; NOVO  
NORDISK INC.; SANOFI-AVENTIS  
U.S. LLC; EVERNORTH HEALTH,  
INC. (FORMERLY EXPRESS SCRIPTS  
HOLDING COMPANY); EXPRESS  
SCRIPTS, INC.; EXPRESS SCRIPTS  
ADMINISTRATORS, LLC; ESI MAIL

Case No. 6:22-cv-00087-BMM

**DECLARATION OF ELIZA-  
BETH W. LUND IN SUPPORT  
OF ELI LILLY AND COM-  
PANY, NOVO NORDISK INC.,  
AND SANOFI-AVENTIS U.S.  
LLC'S RULE 12(b)(6) MOTION  
TO DISMISS THE FIRST  
AMENDED COMPLAINT**

PHARMACY SERVICES, INC.;  
EXPRESS SCRIPTS PHARMACY,  
INC.; MEDCO HEALTH SOLUTIONS,  
INC.; CVS HEALTH CORPORATION;  
CVS PHARMACY, INC; CAREMARK  
RX, LLC; CAREMARK PCS HEALTH,  
LLC; CAREMARK, LLC;  
UNITEDHEALTH GROUP, INC.;  
OPTUMRX INC.; OPTUMINSIGHT,  
INC.,

*Defendants.*

I, Elizabeth W. Lund, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner of the law firm of Berg Lilly PC, counsel for defendant Sanofi-Aventis U.S. LLC in the above-captioned action, and I am admitted to this court. I submit this declaration in support of Eli Lilly and Company, Novo Nordisk Inc., and Sanofi-Aventis U.S. LLC's Rule 12(b)(6) Motion To Dismiss The First Amended Complaint.

2. Attached hereto as Exhibit 1 is a true and correct copy of a blog post authored by Sarah Lanford titled, "Montana Explores a New Approach to Regulating Pharmacy Benefit Managers," published on the NASHP website on February 26, 2019. I accessed the post through the online link, available at: <https://nashp.org/montana-explores-a-new-approach-to-regulating-pharmacy-benefit-managers/>.

3. Attached hereto as Exhibit 2 is a true and correct copy of an article authored by Andrew Schneider titled, "Insulin price spike leaves diabetes patients in

crisis,” published by the Billings Gazette on August 21, 2016. I accessed the article through the online link, available at: [https://billingsgazette.com/news/state-and-regional/montana/insulin-price-spike-leaves-diabetes-patients-in-crisis/article\\_906d92f8-f2f8-5252-8959-b3e9e3214aa8.html](https://billingsgazette.com/news/state-and-regional/montana/insulin-price-spike-leaves-diabetes-patients-in-crisis/article_906d92f8-f2f8-5252-8959-b3e9e3214aa8.html).

4. Attached hereto as Exhibit 3 is a true and correct copy of an article authored by Katie Thomas titled, “Drug Prices Keep Rising Despite Intense Criticism,” published by the New York Times on April 26, 2016. I accessed the article through the online link, available at: <https://www.nytimes.com/2016/04/27/business/drug-prices-keep-rising-despite-intense-criticism.html>.

5. Attached hereto as Exhibit 4 is a true and correct copy of an article authored by Andrew Pollack titled, “Health Insurers Pressing Down on Drug Prices,” published by the New York Times on June 20, 2014. I accessed the article through the online link, available at: <https://www.nytimes.com/2014/06/21/business/health-plans-bring-pressure-to-bear-on-drug-prices.html>.

6. Attached hereto as Exhibit 5 is a true and correct copy of an article authored by Matthew Herper titled, “Inside the Secret World of Drug Company Rebates,” published by Forbes on May 10, 2012. I accessed the article through the online link, available at: <https://www.forbes.com/sites/matthewherper/2012/05/10/why-astrazeneca-gives-insurers-60-discounts-on-nexiums-list-price/?sh=331251bf2b25>.



7. Attached hereto as Exhibit 6 is a true and correct copy of the Form 20-F, Annual Report for the fiscal year ended December 31, 2014, filed by Sanofi with the Securities and Exchange Commission (the “SEC”) on March 10, 2015. I accessed the form through the online link, available at: <https://www.sec.gov/Archives/edgar/data/1121404/000104746915001974/a2222977z20-f.htm>.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Form 6-K, Report of Foreign Private Issuer, filed by Novo Nordisk A/S with the SEC on February 5, 2014. I accessed this form through the online link, available at: <https://www.sec.gov/Archives/edgar/data/353278/000120864614000044/c109474.htm>.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Form 10-K, Annual report for the fiscal year ended December 31, 2009, filed by Eli Lilly & Co. with the SEC on February 22, 2010. I accessed this form through the online link, available at: <https://investor.lilly.com/node/31906/html>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 23rd day of February, 2023, at Bozeman, Montana.

  
Elizabeth W. Lund

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DATED this 23rd day of February, 2023.

By: /s/ Elizabeth W. Lund  
BERG LILLY, PC  
*Attorney for Defendant Sanofi-Aventis U.S. LLC*

By: /s/ William M. Mercer  
HOLLAND & HART - BILLINGS  
*Attorney for Defendant Eli Lilly and Company*

By: /s/ Emma L. Mediak  
GARLINGTON, LOHN & ROBINSON, PLLP  
*Attorney for Defendant Novo Nordisk Inc.*